

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3-4 and 6-34 are pending in the application, with claims 1, 27, 28, 29, 30 and 31 being the independent claims. New claims 31-34 are sought to be added. Claims 2 and 5 are to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Description of the Invention***

The present invention is directed to a method and system for providing rich media content over a computer network and more particularly to a highly reliable, transparent process for displaying high-quality online advertising imagery. As described in the invention, in the online advertising context, the process for providing rich media content, such as video advertisements, must be "entirely passive and nearly instantaneous" to be most effective. Attempts to put video advertising onto Internet web pages have largely failed because of two fundamental technical characteristics of computer video—lack of standardization and very large file size—and their implications. Computer users are generally unwilling either to wait for large files to be transmitted or to take active steps to ensure a smooth replay, especially for the sake of viewing an

advertisement. Advertisers are unwilling to spend money and effort on technologies that cannot reliably deliver uninterrupted imagery to a wide audience.

The present invention, on the other hand, provides a method for reliably delivering video ads without any interruption of the user's viewing experience. The present invention provides a highly reliable, entirely transparent process for displaying high-quality rich media content over a computer network. In accordance with one embodiment of the present invention, a server on a computer network automatically and transparently polls the software, hardware, or electronic appliance of an end user on the network, for the availability of software and/or hardware necessary for the local display of rich media content. Based on the client's response, the server automatically and transparently sends an appropriately formatted version of the rich media file to the client. Once the rich media file has been transferred in its entirety and stored, or cached, in the local memory of the client, the rich media content is displayed automatically, either immediately or according to a predefined schedule or display cue, in a designated display area. The user may then be able to manipulate the rich media content without affecting the other content or tasks that were being displayed prior to the display of the rich media content. The entire process of the present invention is transparent to the end user and requires no initiation or other action on the part of the end user. The process of the present invention takes place in the background, while the user is performing other tasks or viewing other content than that which is being transferred.

***Rejections under 35 U.S.C. § 103***

Claims 1-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,594,699 to Sahai *et al.* ("the Sahai patent"). The Examiner argues that the Sahai patent appears to disclose "a system and method for providing data streaming to a user over a network comprising: a) determining the user's ability to playback the multimedia content with or without user interactions; (b) automatically providing the user with a version of the multimedia content appropriate for the user to playback the content locally, [and] c) displaying/playing the multimedia content to the user." (9/9/03 Reply at 1-2)(citations omitted). The Examiner argues that while the Sahai patent does not teach loading content into a local cache before playing the content, it would have been obvious to one of ordinary skill in the art "to recognize the step of loading data content onto a local memory/cache because it would have enabled the media player to play the streamed (compressed) content to the user." *Id.* Applicants traverse this rejection.

As the Examiner recognizes, the Sahai patent does not teach loading content onto a local cache before playing the content, as required by the claimed invention. The Sahai patent teaches the process of "streaming" multimedia data to an end user. As discussed in the background section of Applicants' invention, streaming protocols begin playback when only a portion of the file has been transmitted and stored on the user's computer (i.e., *buffered*). Later portions of the file are transmitted as earlier ones play back, and the parameters of the process are calibrated so that, if transmission is not interrupted, playback is continuous. The practical flaw in this approach is that transmission,

particularly of large files, frequently *is* interrupted. Net congestion, transmission errors requiring retransmission, competing demands on the transmitting computer, and other causes, can interrupt the transmission flow long enough that the buffer is completely played out, and then playback stops until enough new data have been received. The effect on the user is that streaming video (or audio) either is occasionally interrupted by long pauses or has a jerky quality caused by frequent micro-pauses (the former with a large buffer size and the latter with a small one). These types of interruptions are unacceptable to advertisers, whose imagery requires seamless replay.

Applicants' claimed invention, on the other hand, calls for a *complete loading* of a rich media file into a local cache of the user before playback to avoid such undesired interrupted playback. To clarify this differentiation, independent method claim 1 of the present invention has been amended above to recite the step of "displaying said rich media content from the user's local cache *after said rich media file has been completely loaded.*" There is no motivation or suggestion in the Sahai patent to modify the disclosed process by completely loading a rich media file into the local cache of the user before playback and such an interpretation of the Sahai patent would destroy the explicit teaching of streaming multimedia. For at least this reason, independent claim 1 and claims 2-26 which depend therefrom are patentable and Applicants respectfully request that the Examiner reconsider the outstanding rejection and that it be withdrawn. Similar amendments have been made above to independent claims 27, 28, 29 and 30. As such, independent claims 27, 28, 29 and 30 are also patentable and Applicants respectfully request that the Examiner reconsider their rejection and that it be withdrawn.

Additionally, unlike the claimed invention, the process for providing multimedia content disclosed in the Sahai patent is neither "automatic" nor "transparent" and requires a specific request on the part of the end user for the provided multimedia content. In particular, "[t]he process of the [Sahai] invention starts with the user 'clicking-on' the Universal Resource Locator (URL) associated with the streamable multimedia asset desired." (col. 5, ln. 1-4). The present invention, on the other hand, proceeds without a specific request on the part of the end user for the provided multimedia content. The process of the present invention is automatic and transparent, taking place in the background while the user is performing other tasks or viewing other content than that which is being transferred. To clarify this differentiation, independent method claim 1 of the present invention has been amended above to recite the step of "determining the user's ability to playback said rich media content locally, wherein said determining step is *automatic and transparent* and *requires no request by the user* for said rich media content." There is no motivation or suggestion in the Sahai patent to modify the disclosed process by determining the user's ability to playback rich media content without a specific request by the user for such content and such an interpretation of the Sahai patent would destroy the explicit teaching in the Sahai patent requiring an initial service request from the client to the server for a multimedia resource. For at least this reason, independent claim 1 and claims 2-26 which depend therefrom are patentable and Applicants respectfully request that the Examiner reconsider the outstanding rejection and that it be withdrawn. Similar amendments have been made above to independent claims 27, 28, 29 and 30. As such, independent claims 27, 28, 29 and 30 are also patentable and Applicants respectfully request that the Examiner reconsider their rejection and that it be withdrawn.

***New Claims 31-34***

In one embodiment of the present invention, the step of determining the user's ability to playback rich media content comprises the step of progressing, via one or more connections with client 102, through a set of preferred rich media content playback applications to assess the local playback capabilities of client 102. Server 103 then compares the assessment of local playback capabilities of client 102 against a predefined schedule 109 of rich media file formats available on server 103. Schedule 109 contains a predefined preference ranking of the various available rich media file formats on server 103. Based on this comparison step, a rich media file 105 in the highest ranked file format on schedule 109 is selected to be sent to client 102. In a further embodiment, in the event that the local playback capabilities of client 102 did not match any of the file formats available in schedule 109, server 103 will not send rich media file 105 to client 102. New independent claim 31 and claims 32-34 which depend therefrom are directed to these embodiments of the present invention.

None of the cited references, including the Sahai patent, anticipate or make obvious the invention claimed in new independent claim 31 and claims 32-34 which depend therefrom. Allowance thereof is respectfully requested.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

  
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